

Proposed Amendments to 310 CMR 7.00 for Municipal Waste Combustor Units – 12/18/12

Text to be deleted is ~~struck out and bold~~. Text to be added is **underlined and bold**. Amendments associated with federal Emissions Guidelines are noted with “EG” below. Amendments associated with Reasonably Available Control Technology are noted with “RACT” below.

PROPOSED AMENDMENTS TO 310 CMR 7.08

Amend 310 CMR 7.08: U Incinerators (1) General.

[add (h) as follows]

(h) The approval, referred to in 7.08(1)(a) through (d), shall be obtained pursuant to 310 CMR 7.02(3) and 7.02(5).

* * *

Amend 310 CMR 7.08(2) Municipal Waste Combustors. (c) Definitions.

[revise as follows; EG]

MUNICIPAL WASTE COMBUSTOR UNIT CAPACITY means the maximum charging rate of a municipal waste combustor unit expressed in tons per day of municipal solid waste combusted, calculated according to the procedures under 40 CFR 60.58b(j) ~~effective December 19, 1995 and~~ as ~~last~~ amended ~~May 10, 2006~~ **October 24, 1997**. 40 CFR 60.58b(j) includes procedures for determining municipal waste combustor unit capacity for continuous and batch feed municipal waste combustors.

MUNICIPAL WASTE COMBUSTOR UNIT LOAD means the steam load of the municipal waste combustor unit measured as specified in 40 CFR 60.58b(i)(6) ~~December 19, 1995 and~~ as ~~last~~ amended **May 10, 2006** ~~October 24, 1997~~.

* * *

Amend 310 CMR 7.08(2)(f) Applicable Requirements. 1. Operating Practices.

[revise b. as follows, incorporating text from federal regulations at 40 CFR 60.58b(m)(2)(i); EG]

b. During any nine month dioxin/furan compliance test, **quarterly mercury compliance test, or nine month mercury compliance test**, and the two weeks preceding each nine month dioxin/furan compliance test, **quarterly mercury compliance test, or nine month mercury compliance test**, municipal waste combustor unit load limit, **average mass carbon feed rate limit** and particulate matter control device temperature limitations are not applicable.

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Amend 310 CMR 7.08(2)(f) Applicable Requirements. 2. Metals, Organics and Acid Gases.

[revise Table 2. as follows, incorporating text from federal regulations at 40 CFR 60.33b; *EG*]

TABLE 2. EMISSION LIMITS FOR MUNICIPAL WASTE COMBUSTOR UNITS

	Emission Limits For Large MWC Units ^a
Particulate Matter (PM)	27 25 mg/dscm
Opacity	10% (6-minute average)
<u>METALS</u>	
Cadmium (Cd)	0.040 0.035 mg/dscm
Lead (Pb)	0.440 0.400 mg/dscm
Mercury (Hg)	0.028 mg/dscm - average of compliance tests conducted in any rolling 12-month period
	<u>0.050 mg/dscm - average of test runs in any quarterly or 9-month compliance test</u>
<u>ACID GASES</u>	
Sulfur Dioxide (SO ₂)	29 ppmv or 75% reduction by weight or volume, whichever is less stringent. Compliance is based on a 24-hr geometric mean.
Hydrogen Chloride (HCl)	29 ppmv or 95% reduction by weight or volume, whichever is less stringent.
<u>ORGANICS: (Total Mass)</u>	
Dioxin/Furan with Electrostatic precipitator (ESP)	60 35 ng/dscm
Dioxin/Furan with Fabric Filter (FF)	30 ng/dscm

^a Corrected to 7% oxygen (dry basis).

* * *

Amend 310 CMR 7.08(2)(f) Applicable Requirements. 3. Nitrogen Oxides

[revise Table 3. as follows; *RACT*]

TABLE 3. NITROGEN OXIDES EMISSION LIMITS FOR LARGE MUNICIPAL WASTE COMBUSTOR UNITS

Municipal Waste Combustor Technology	NOx Emission Limit (Parts per million by volume) ^a		Averaging Time ^b
	<u>Until one year after issuance of ECP approval under 310 CMR 7.08(2)(j)1., but no later than [2 years after</u>	<u>Beginning one year after issuance of ECP approval under 310 CMR 7.08(2)(j)1., but no later than [2 years and 1 day after promulgation date]</u>	

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	<u>promulgation date]</u>		
Mass Burn Waterwall	205	<u>150</u>	24-hour
Mass Burn Refractory	205	150	24-hour
Refuse-Derived Fuel Stoker	250	<u>146</u>	24-hour

^a Corrected to 7% oxygen, dry basis.

^b Averaging times are 24-hr daily arithmetic averages.

* * *

Amend 310 CMR 7.08(2)(f) Applicable Requirements. 4. Nitrogen Oxides Emission Averaging Plan

[replace with 4. Ammonia.; *RACT*]

4. Ammonia. No later than the dates specified in the emission control plan approval issued by the Department under 310 CMR 7.08(2)(j)8., any person subject to 310 CMR 7.08(2) utilizing ammonia or urea for NOx control shall:

a. conduct ammonia optimization testing,

b. submit a report to the Department correlating NOx emissions and ammonia slip, and

c. propose an ammonia emissions limit that the Department will review and may modify before incorporating in the unit's approval, pursuant to the procedures in 310 CMR 7.08(2)(j)7.

Nitrogen Oxides Emission Averaging Plan—A person subject to 310 CMR 7.08(2) may elect to implement a nitrogen oxides emissions averaging plan for the units located at the same municipal waste combustor plant. Municipal waste combustor units subject to 40 CFR, Part 60, Subpart Ea or Eb shall not be included in the emissions averaging plan. The units included in the nitrogen oxides emissions averaging plan must be identified in the annual report specified in 310 CMR 7.08(2)(i), prior to implementing the averaging plan. The units at the plant included in the averaging plan may be redesignated each calendar year.

a. To implement an emissions averaging plan, the average daily (24-hour) nitrogen oxides emission concentration level for gases discharged from units included in the emissions averaging plan shall not exceed the limits specified in Table 4.

**TABLE 4. NITROGEN OXIDES EMISSION LIMITS FOR UNITS INCLUDED
IN AN EMISSIONS AVERAGING PLAN**

Municipal Waste Combustor Technology	NOx Emission Limit (Parts per million by volume)^a	Averaging Time^b
Mass Burn Waterwall	185	24-hour
Refuse-Derived Fuel Stoker	230	24-hour

^a ~~Corrected to 7% oxygen, dry basis.~~

^b ~~Averaging times are 24-hr daily arithmetic averages.~~

b. Under an emissions averaging plan, the average daily nitrogen oxides emission limits specified in Table 4 shall be calculated using equation (1). Units that are offline shall not be included in calculating the average daily nitrogen oxides emission level.

$$NO_{x24-hr} = \frac{\sum_{i=1}^h (NO_{xi})(S_i)}{\sum_{i=1}^h (S_i)} \quad (1)$$

where:

No_{x24-hr} = ~~24-hr daily average nitrogen oxides emission concentration level for the emissions averaging plan (ppmv, corrected to 7% oxygen).~~

No_{xi} = ~~24-hr daily average nitrogen oxides emission concentration level for unit i (ppmv, corrected to 7% oxygen).~~

S_i = ~~maximum demonstrated municipal waste combustor unit load for unit i (pounds per hour steam or feedwater flow as determined in the most recent dioxin/furan performance test).~~

h = ~~total number of units included in the daily emissions average.~~

~~c. For any day in which any unit included in an emissions averaging plan is offline, the owner or operator of the municipal waste combustor plant must still demonstrate compliance with the applicable limits specified in Table 4 according to either 310 CMR 7.08(2)(f)4.d., or 310 CMR 7.08(2)(f)4.e., f. and g..~~

~~d. Compliance with the applicable limits specified in Table 4 shall be demonstrated using the averaging procedure specified in 310 CMR 7.08(2)(f)4.b.~~

~~e. For each of the municipal waste combustor units included in an emissions averaging plan, the nitrogen oxides emissions shall be calculated on a daily average basis. The calculated average shall not exceed the maximum daily nitrogen oxides emission level achieved by that municipal waste combustor unit on any of the days during which the emissions averaging plan was achieved with all municipal waste combustor units online during the most recent calendar quarter. The requirements of this paragraph do not apply during the first quarter of operation, during the first year under an emissions averaging plan.~~

~~f. The average nitrogen oxides emissions (pounds per day) calculated according to 310 CMR 7.08(2)(f)4.g.iv. shall not exceed the average nitrogen oxides emissions (pounds per day) calculated according to 310 CMR 7.08(2)(f)4.g.~~

~~g. The average nitrogen oxides emissions shall be calculated for all days during which the emissions averaging plan was implemented and achieved and during which all municipal waste combustor units were online. The average nitrogen oxides emissions (pounds per day) shall be calculated on a calendar year basis according to 310 CMR 7.08(2)(f)4.g.i. through iii..~~

~~i. For each municipal waste combustor unit included in an emissions averaging plan, the daily amount of nitrogen oxides emitted (pounds per day) shall be calculated based on the hourly nitrogen oxides data required under 310 CMR 7.08(2)(f)4.g., on the flue gas flow rate determined using Table 19-1 of EPA Reference Method 19 in 40 CFR, Part 60, Appendix A or an alternative Department approved method, and on the hourly average steam or feedwater flow rate.~~

~~ii. The daily total nitrogen oxides emissions shall be calculated as the sum of the daily nitrogen oxides emissions from each municipal waste combustor unit calculated under 310 CMR 7.08(2)(f)4.g.i..~~

~~iii. The average nitrogen oxides emissions (pounds per day) on a calendar year basis shall be calculated as the sum of all daily total nitrogen oxides emissions calculated under 310 CMR 7.08(2)(f)4.g.ii. divided by the number of calendar days for which a daily total was calculated.~~

~~iv. The average nitrogen oxides emissions shall be calculated for all days during which one or more of the municipal waste combustor units under the emissions averaging plan was offline. The average nitrogen oxides emissions (pounds per day) shall be calculated on a calendar year basis according to 310 CMR 7.08(2)(f)4.g.i. through iii..~~

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Amend 310 CMR 7.08(2)(f) Applicable Requirements. 6. Operator Training and Certification

[revise b. as follows, incorporating text from federal regulations at 40 CFR 60.54b(c)(2); *EG*]

b. shall not allow the municipal waste combustor unit to be operated at any time unless one of the following persons is on duty: A chief facility operator or a shift supervisor who has obtained an Operator Certificate. (A Provisional Certificate is acceptable provided the shift supervisor is scheduled to obtain an Operator Certificate in accordance with 310 CMR 7.08(2)(f). **A provisionally certified operator who is newly promoted or recently transferred to a shift supervisor position or a chief facility operator position at the municipal waste combustion unit may perform the duties of the certified chief facility operator or certified shift supervisor without notice to, or approval by, the Department for up to six months before taking the ASME QRO certification exam.**) If one of the persons listed above must leave the municipal waste combustor plant during his or her operating shift, a provisionally certified control room operator who is onsite at the municipal waste combustor plant may fulfill these requirements. **Depending on the length of time that a certified chief facility operator and certified shift supervisor are away, the owner or operator of the affected facility must meet the following criteria:**

i. When the certified chief facility operator and certified shift supervisor are both off site for 12 hours or less, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor.

ii. When the certified chief facility operator and certified shift supervisor are off site for more than 12 hours, but for two weeks or less, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor without notice to, or approval by, the Department. However, the owner or operator of the affected facility must record the period when the certified chief facility operator and certified shift supervisor are off site and include that information in the annual report as specified under 310 CMR 7.08(2)(i)1.h.

iii. When the certified chief facility operator and certified shift supervisor are off site for more than two weeks, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor without approval by the Department. However, the owner or operator of the affected facility shall notify the Department in writing no later than three working days after the two week period. This initial notification shall state the cause of the absence and the actions that are being taken by the owner or operator of the facility to ensure that a certified chief facility operator or certified shift supervisor is on site as expeditiously as practicable.

iv. When the certified chief facility operator and certified shift supervisor are off site for more than two weeks, and no other certified operator is on site, the owner or operator of the affected facility shall submit a status report and corrective action summary to the Department every four weeks, beginning four weeks following the initial notification, demonstrating that a good faith effort is being made to ensure that a

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certified chief facility operator or certified control room shift supervisor is on site. If the Department provides notice that the status report or corrective action summary is disapproved, the municipal waste combustion unit may continue operation for 90 days, but then must cease operation. If corrective actions are taken in the 90-day period such that the Department withdraws the disapproval, municipal waste combustion unit operation may continue.

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Amend 310 CMR 7.08(2)(g) Compliance and Performance Testing.

[revise introductory paragraph as follows; *EG*]

(g) Compliance and Performance Testing. ~~Each~~**Any** person subject to 310 CMR 7.08(2) shall comply with the provisions of 40 CFR 60.58b, “Compliance and Performance Testing,” ~~effective December 19, 1995 and as last amended October 24, 1997, and November 16, 2001~~**May 10, 2006**, the provisions of which are hereby incorporated by reference. Compliance with the applicable requirements as set forth in 310 CMR 7.08(2)(f) shall be determined in accordance with 40 CFR 60.58b, except as provided under 310 CMR 7.08(2)(g)1., 2., 3., ~~4.~~ 5. and 6. The initial compliance test must be completed within 180 days after the final compliance date.

* * *

Amend 310 CMR 7.08(2)(g) Compliance and Performance Testing. 1. Dioxin/Furan.

[revise d. as follows; *EG*]

d. Municipal waste combustor units where carbon injection (or equivalent) is used to comply with the dioxin/furan emission limits specified in section 310 CMR 7.08(2)(f)2. or the dioxin/furan emission limit specified in 310 CMR 7.08(2)(g)1.b shall follow the procedures specified in 40 CFR 60.58b(m) ~~effective December 19, 1995 and as last amended October 25, 1997~~**May 10, 2006**, for measuring and calculating the **eight-hour block average** carbon (or equivalent) usage rate.

[add e. as follows, incorporating text from federal regulations at 40 CFR 60.58b(g)(10); *EG*]

e. Any person subject to 310 CMR 7.08(2) electing continuous automated sampling of dioxin/furan emissions as an alternative to manual reference method sampling shall comply with the provisions of 40 CFR 60.58b(g)(10), 40 CFR 60.58b(p) and 40 CFR 60.58b(q), as last amended May 10, 2006.

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Amend 310 CMR 7.08(2)(g) Compliance and Performance Testing. 2. Mercury.

[revise 2. as follows, incorporating text from federal regulations at 40 CFR 60.58b(d)(4); *EG*]

2. Mercury. Following the date that the initial performance test for mercury is completed, compliance testing for mercury shall be conducted on all municipal waste combustor unit(s) on a quarterly basis. Compliance with the emissions limit specified in 310 CMR 7.08(2)(f)2. shall be based on the average of four quarterly compliance tests per rolling 12 months but shall not exceed 0.05~~80~~ mg/dscm in any quarterly test. If compliance with the mercury emission limit

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has been achieved in each quarter for eight consecutive quarters, then the person subject to 310 CMR 7.08(2) may elect to perform compliance testing on a nine month basis. Any municipal waste combustor unit(s) which cannot achieve compliance with the emission limitation in 310 CMR 7.08(2)(f)2. during the nine month compliance test shall resume quarterly compliance testing as specified above. Any person subject to 310 CMR 7.08(2) electing continuous monitoring of mercury emissions as an alternative to manual reference method sampling shall comply with the provisions of 40 CFR 60.58b(d)(4), 40 CFR 60.58b(n) and 40 CFR 60.58b(o) as last amended May 10, 2006. Any person subject to 310 CMR 7.08(2) electing continuous automated sampling of mercury emissions as an alternative to manual reference method sampling shall comply with the provisions of 40 CFR 60.58b(d)(4), 40 CFR 60.58b(p) and 40 CFR 60.58b(q) as last amended May 10, 2006.

* * *

Amend 310 CMR 7.08(2)(g) Compliance and Performance Testing. 3. Optimization Testing.

[add d. as follows, incorporating text from federal regulations at 40 CFR 60.58b(d)(2)(xi); EG]

d. Any person owning or operating a municipal waste combustor unit where carbon injection (or equivalent) is used to comply with the mercury emission limits specified in 310 CMR 7.08(2)(f)2. or 310 CMR 7.08(2)(g)2. shall follow the procedures specified in 40 CFR 60.58b(m) as last amended May 10, 2006, for measuring and calculating the eight-hour block average carbon (or equivalent) usage rate.

* * *

Amend 310 CMR 7.08(2)(g) Compliance and Performance Testing. 4. Limited Waiver From Mercury Limit.

[delete in entirety; reserve]

4. [Reserved.] Limited Waiver From Mercury Limit.

~~a. After a municipal waste combustor plant has been retrofitted with air pollution controls to satisfy the requirements of 310 CMR 7.00 and if, upon the completion of the optimization test or prior to December 31, 2003 a municipal waste combustor unit(s) employing electrostatic precipitators as the primary particulate matter control device and/or unit(s) employing innovative technology with respect to air pollution control devices cannot achieve the mercury emission limits specified in 310 CMR 7.08(2)(f)2., the person subject to 310 CMR 7.08(2) may request a limited waiver from said emission limits.~~

~~b. The person shall submit with the request for the limited waiver information indicating detailed site specific technical reasons for the limited waiver, including but not limited to, optimization test results and the progress of the materials separation plan, as well as any additional information requested by the Department as a result of its review of the request. In no circumstance will the Department grant a limited waiver if the mercury emission limit exceeds 0.065 mg/dsem @ 7% O₂. Upon review of the information submitted, the Department will approve or deny a limited waiver. A limited waiver will expire on December 31, 2003 unless an extension is requested and granted pursuant to 310 CMR 7.08(2)(g)4.e.~~

~~c. Approval of a limited waiver is considered a modification to the emission control plan and must comply with the requirements contained at 310 CMR 7.08(2)(j)7. prior to incorporation into the emission control plan.~~

- ~~d. If a limited waiver is approved, the person subject to 310 CMR 7.08(2) must comply with the following requirements during the term of the waiver:~~
- ~~i. A mercury emission limit of 0.065mg/dsem @7% O₂.~~
 - ~~ii. A person subject to 310 CMR 7.08(2) must submit to the Department an evaluation of its material separation plan, identifying whether or not (1) existing activities have contributed to the accomplishment of the material separation plan's stated goals and/or diversion or reduction of mercury in the municipal solid waste prior to combustion; (2) existing activities have failed such stated goals and/or diversion or reduction of mercury (in such case, explaining why such activities failed); and (3) new activities may contribute to the accomplishment of the material separation plan's stated goals or diversion or reduction of mercury. If new activities are so identified, a material separation plan may be modified; and~~
 - ~~iii. Perform and submit optimization testing annually until compliance with 310 CMR 7.08(2)(f)2. is achieved; and~~
 - ~~iv. All unit(s) subject to 310 CMR 7.08(2) shall be in compliance with the mercury emission limit at 310 CMR 7.08(2)(f)2. on or before December 31, 2003.~~
- ~~e. Extension of the Mercury Waiver. A petition to the Department for the extension of a limited waiver beyond the December 31, 2003 deadline may be submitted by plants using electrostatic precipitators no later than August 1, 2003. The Department may grant a maximum two year extension. If such an extension is granted, the person subject to 310 CMR 7.08(2) shall comply with the following:~~
- ~~i. Continue to adhere to the provision at 310 CMR 7.08(2)(g)4.d.i. through~~
 - ~~iii.~~
 - ~~ii. Submit a plan to achieve the 0.028 mg/dsem @ 7% O₂ emission limit by the end of the extended waiver period.~~
- ~~f. If a person subject to 310 CMR 7.08(2)(f)2. has submitted a request for a limited waiver, or an extension of the limited waiver from the mercury emission limit specified in 310 CMR 7.08(2)(f)2., which includes detailed site specific technical reasons for the limited waiver, compliance test results, if available, optimization test results, and the progress of the material separation plan, for a facility, but approval or denial of the request has not been issued, the facility shall not be deemed in noncompliance with the mercury emission limit specified in 310 CMR 7.08(2)(f)2. from the date the mercury emission limit was first exceeded until the final approval of the request by the Regional Director of the Department or until 180 days after the denial of such a request by the Regional Director. However, the facility must comply with the 0.065 mg/dsem mercury emission limit, all other applicable requirements of 310 CMR 7.08(2) and the facility's Emission Control Plan during the request process and the 180 days period after a denial of the request.~~

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Amend 310 CMR 7.08(2)(g) Compliance and Performance Testing. 5. Continuous Emissions Monitoring Systems Data.

[delete a. as follows; EG]

- a. ~~[Reserved.] Continuous Emissions Monitoring Systems (CEMS) which monitor nitrogen oxides, sulfur dioxide, and operating practices parameters (e.g., carbon monoxide, unit load and particulate matter control device inlet temperature) shall obtain at a minimum valid continuous emissions monitoring system data for 75%~~

~~of the hours per day, 75% of the days per month, and 90% of the hours per quarter that the municipal waste combustor unit is combusting municipal solid waste.~~

* * *

Amend 310 CMR 7.08(2)(g) Compliance and Performance Testing.

[add 7., 8. and 9. as follows, incorporating text from federal regulations at 40 CFR 60.58b(c)(10), (d)(3) and (f)(8); *EG*]

7. Continuous Emissions Monitoring for Particulate Matter. In place of particulate matter testing with EPA Reference Method 5, any person subject to 310 CMR 7.08(2) may elect to install, calibrate, maintain, and operate a continuous emission monitoring system for monitoring particulate matter emissions discharged to the atmosphere and record the output of the system. Any person subject to 310 CMR 7.08(2) who elects to continuously monitor particulate matter emissions in place of testing shall comply with the requirements specified in 40 CFR 60.58b(c)(10)(i) through (xiv) as last amended May 10, 2006. Any person subject to 310 CMR 7.08(2) who elects to continuously monitor particulate matter emissions in place of testing is not required to complete performance testing for particulate matter and is not required to continuously monitor opacity as specified in 40 CFR 60.58b(c)(9) and (c)(8) as last amended May 10, 2006.

8. Continuous Emissions Monitoring for Cadmium and Lead. In place of cadmium and lead testing with EPA Reference Method 29, any person subject to 310 CMR 7.08(2) may elect to install, calibrate, maintain, and operate a continuous emission monitoring system for monitoring cadmium and lead emissions discharged to the atmosphere and record the output of the system according to the provisions of 40 CFR 60.58b(n) and (o) as last amended May 10, 2006.

9. Continuous Emissions Monitoring for Hydrogen Chloride. In place of hydrogen chloride testing with EPA Reference Method 26 or 26A, any person subject to 310 CMR 7.08(2) may elect to install, calibrate, maintain, and operate a continuous emission monitoring system for monitoring hydrogen chloride emissions discharged to the atmosphere and record the output of the system according to the provisions of 40 CFR 60.58b(n) and (o) as last amended May 10, 2006.

* * *

Amend 310 CMR 7.08(2)(h) Recordkeeping

[revise introductory paragraph as follows; *EG*]

(h) Recordkeeping - Any person subject to 310 CMR 7.08(2) shall **comply with the recordkeeping requirements of 40 CFR 60.59b(d), as last amended May 10, 2006, the provisions of which are hereby incorporated by reference, and** maintain records ~~of~~ **including, but not limited to,** the information specified in 310 CMR 7.08(2)(h), as applicable, for each municipal waste combustor unit. All records shall be retained at the facility for at least five years.

[revise 2. as follows; *EG*]

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2. The emission concentrations and operating parameters measured using continuous monitoring systems. The measurements specified below shall be recorded and shall be available for submittal to the Department or for onsite review by an inspector:

a. All six-minute average opacity levels as specified under 40 CFR 60.58b(c) **effective December 19, 1995 and as last amended ~~October 24, 1997~~ May 10, 2006**, including the highest level measured.

b. All one-hour average sulfur dioxide emission concentrations as specified under 40 CFR 60.58b(e) **effective December 19, 1995 and as last amended ~~October 24, 1997~~ May 10, 2006**.

c. All one-hour average nitrogen oxides emission concentrations as specified under 40 CFR 60.58b(h) **effective December 19, 1995 and as last amended ~~October 24, 1997~~ May 10, 2006**.

d. All one-hour average carbon monoxide emission concentrations, municipal waste combustor unit load measurements, and particulate matter control device inlet temperatures as specified under 40 CFR 60.58b(i) **effective December 19, 1995 and as last amended ~~October 24, 1997~~ May 10, 2006**.

e. All 24-hour daily geometric average sulfur dioxide emission concentrations and all 24-hour daily geometric average percent reductions in sulfur dioxide emissions as applicable, as specified under 40 CFR 60.58b(e) **effective December 19, 1995 and as last amended ~~October 24, 1997~~ May 10, 2006** including the highest sulfur dioxide emission concentration level recorded.

f. All 24-hour daily arithmetic average nitrogen oxides emission concentrations as specified under 40 CFR 60.58b(h) **effective December 19, 1995 and as last amended ~~October 24, 1997~~ May 10, 2006**, including the highest level recorded.

g. All four-hour block or 24-hour daily arithmetic average carbon monoxide emission concentrations, as applicable, as specified under 40 CFR 60.58b(i) **effective December 19, 1995 and as last amended ~~October 24, 1997~~ May 10, 2006**, including the highest level recorded.

h. All four-hour block arithmetic average municipal waste combustor unit load levels and particulate matter control device inlet temperature as specified under 40 CFR 60.58b(i) **effective December 19, 1995 and as last amended ~~October 24, 1997~~ May 10, 2006**, including the highest level recorded.

[add 2.i., 2.j. and 2.k. as follows, incorporating text from federal regulations at 40 CFR 60.59b(d)(2)(i)(E), (ii)(E) and (ii)(F); *EG*]

i. As applicable, all one-hour average and 24-hour daily (block) average particulate matter emissions concentrations, as specified under 40 CFR 60.58b(c), as last amended May 10, 2006, including the highest level recorded.

j. As applicable, all one-hour average and 24-hour daily arithmetic average mercury, cadmium, lead or hydrogen chloride emissions concentrations, as specified under 40 CFR 60.58b(n), as last amended May 10, 2006, including the highest level recorded.

k. As applicable, all integrated two-week dioxin/furan and integrated 24-hour mercury emissions concentrations, as specified under 40 CFR 60.58b(p), as last amended May 10, 2006, including the highest level recorded.

[revise 3. as follows, incorporating text from federal regulations at 40 CFR 60.59b(d)(3); *EG*]

3. Identification of the calendar dates when any of the average emissions concentrations, **opacity levels**, ~~or~~ percent reductions, or operating parameters recorded under 310 CMR 7.08(2)(h)2., exceed the applicable limits, with detailed specific reasons for such exceedances and a description of corrective actions taken.

[revise 4. as follows; *EG*]

4. For municipal waste combustor unit(s) that apply carbon (or equivalent) for mercury or dioxin/furan control, the following records:

- a. The average carbon (or equivalent) mass feed rate (in lbs/hr) estimated as required under 40 CFR 60.58b(m)(1)(i) ~~effective December 19, 1995 and~~ as **last** amended ~~October 24, 1997~~**May 10, 2006**, during the initial mercury performance test and all subsequent mercury compliance tests, with supporting calculations.
- b. The average carbon (or equivalent) mass feed rate (in lbs/hr) estimated for each hour of operation as required under 40 CFR 60.58b(m)(1)(ii) ~~effective December 19, 1995 and~~ as **last** amended ~~October 24, 1997~~**May 10, 2006**, during the initial dioxin/furan performance test and all subsequent dioxin/furan compliance tests, with supporting calculations.
- c. The average carbon (or equivalent) mass feed rate (in lbs/hr) estimated for each hour of operation as required under 40 CFR 60.58b(m)(3)(ii) ~~effective December 19, 1995 and~~ as **last** amended ~~October 24, 1997~~**May 10, 2006**, with supporting calculations.
- d. The total carbon (or equivalent) usage for each calendar quarter estimated as specified under 40 CFR 60.58b(m)(3) ~~effective December 19, 1995 and~~ as **last** amended ~~October 24, 1997~~**May 10, 2006**, with supporting calculations.
- e. The carbon (or equivalent) injection system operating parameter data for the parameter(s) that are the primary indicator(s) of carbon (or equivalent) feed rate, **calculated as specified in 40 CFR 60.58b(m)(2).**

[add 5.e. and 5.f. as follows, incorporating text from federal regulations at 40 CFR 60.59b(d)(6)(vi) and (vii); *EG*]

e. For any person subject to 310 CMR 7.08(2) who elects to continuously monitor particulate matter, cadmium, lead, mercury or hydrogen chloride emissions instead of using EPA manual test methods, particulate matter, cadmium, lead, mercury or hydrogen chloride emissions data.

f. For any person subject to 310 CMR 7.08(2) who elects to use continuous automated sampling systems for dioxins/furans or mercury instead of EPA manual test methods, dates and times when the sampling systems were not operating or were not collecting a valid sample.

[revise 6. as follows, incorporating text from federal regulations at 40 CFR 60.59b(d)(7); *EG*]

6. Identification of each occurrence that sulfur dioxide ~~emissions data~~, nitrogen oxides, and, as applicable, particulate matter, cadmium, lead, mercury, hydrogen chloride or dioxin/furan emissions data, or operational data (e.g., carbon monoxide emissions, unit load, and particulate matter control device temperature) have been excluded from the calculation of average emission concentrations or parameters, along with detailed and specific reasons for excluding the data.

[revise 7. as follows, incorporating text from federal regulations at 40 CFR 60.59b(d)(10)(i)-(iii); *EG*]

7. The results of daily drift tests and quarterly accuracy determinations for sulfur dioxide, nitrogen oxides, and carbon monoxide continuous emission monitoring systems, as required under 40 CFR, Part 60, Appendix F, Procedure 1. For any person who elects to continuously monitor or sample instead of using EPA manual test methods, the results of daily drift tests and quarterly accuracy determinations for particulate matter as required under 40 CFR 60 Appendix F, Procedure 2, the results of all quality evaluations, such as daily drift tests and periodic accuracy determinations for cadmium, lead, mercury or hydrogen chloride, specified in the approved site-specific performance evaluation test plan required by 40 CFR 60.58b(o)(5), as last amended May 10, 2006, and all continuous automated dioxin/furan or mercury sampling systems quality evaluations specified in the approved site-specific performance evaluation test plan required by 40 CFR 60.58b(q)(5), as last amended May 10, 2006.

[revise 11. as follows, incorporating text from federal regulations at 40 CFR 60.59b(d)(12)(iv); *EG*]

11. Records showing the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who are certified by ASME (Operator Certification and Provisional Certification), including the dates of initial and renewal certifications and documentation of current certification. Records showing the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have completed the EPA municipal waste combustor operator training course if required. Records of when a certified operator is temporarily off site, pursuant to 310 CMR 7.08(2)(h)11.a. and b.

[add 11.a. and 11.b. as follows, incorporating text from federal regulations at 40 CFR 60.59b(d)(12)(iv)(A) and (B); *EG*]

a. If the certified chief facility operator and certified shift supervisor are off site for more than 12 hours, but for 2 weeks or less, and no other certified operator is on site, record the dates that the certified chief facility operator and certified shift supervisor were off site.

b. When all certified chief facility operators and certified shift supervisors are off site for more than 2 weeks and no other certified operator is on site, keep records of:

i. Time of day that all certified persons are off site.

ii. The conditions that cause those people to be off site.

iii. The corrective actions taken by the owner or operator of the affected facility to ensure a certified chief facility operator or certified shift supervisor is on site as soon as practicable.

iv. Copies of the written reports submitted every 4 weeks that summarize the actions taken by the owner or operator of the affected facility to ensure that a certified chief facility operator or certified shift supervisor will be on site as soon as practicable.

[revise 13.b. as follows; *EG*]

b. Identification of the calendar dates when the carbon injection (or equivalent) system operating parameter(s) that are the primary indicator(s) of carbon mass feed rate (or equivalent) recorded under 310 CMR 7.08(2)(h)4.e., are below the level(s) estimated during the compliance tests as specified in 40 CFR 60.58b(m)(1)(i) and 60.58b(m)(1)(ii) ~~effective December 19, 1995 and~~ as ~~last~~ amended ~~May 10, 2006~~~~October 24, 1997~~, with reasons for such occurrences and a description of corrective actions taken.

* * *

Amend 310 CMR 7.08(2)(i) Reporting Requirements

[revise introductory paragraph as follows; *EG*]

(i) Reporting Requirements - Any person subject to 310 CMR 7.08(2) shall submit an initial performance report as well as an annual report **pursuant to 40 CFR 60.59b(g), as last amended May 10, 2006, the provisions of which are hereby incorporated by reference, that includes, but is not limited to,** of the information specified in 310 CMR 7.08(2)(i)1., as applicable. Any person subject to 310 CMR 7.08(2) shall submit a semiannual report **pursuant to 40 CFR 60.59b(h), as last amended May 10, 2006, the provisions of which are hereby incorporated by reference,** that includes, **but is not limited to,** the information specified in 310 CMR 7.08(2)(i)2. for any recorded pollutant or parameter that does not comply with the emission limits as set forth in 310 CMR 7.08(2). In meeting the reporting requirements of 310 CMR 7.08(2)(i)1. and 310 CMR 7.08(2)(i)2., any person subject to 310 CMR 7.08(2) shall report the information in a format determined by the Department that is designed to be understandable and informative to the public. The information shall be submitted in written format and electronic format.

[amend 1. as follows; *EG*]

1. Annual Reporting Requirements^a - The information specified in 310 CMR 7.08(2)(i)1.a. through ~~gh~~ shall be reported:
 - a. 310 CMR 7.08(2)(h)2.a., e. through ~~hk~~ for the highest emission levels recorded.
 - c. 310 CMR 7.08(2)(h)5. - 6., **including 40 CFR 60.59b(g)(1)(iv) and (v), as last amended May 10, 2006.**

[add 1.h. as follows, incorporating text from federal regulations at 40 CFR 60.59b(g)(5); *EG*]

h. Documentation of periods when all certified chief facility operators and certified shift supervisors are off site for more than 12 hours.

[amend 2.a. as follows; *EG*]

2. Semi-Annual Reporting Requirements^b - The information specified in a. through e. below shall be reported:

Proposed Amendments to 310 CMR 7.00 for Municipal Waste Combustor Units – 12/18/12

a. 310 CMR 7.08(2)(h)2.a., e. through ~~hk~~. for each date recorded in 310 CMR 7.08(2)(h)3.

[add 3. as follows, incorporating text from federal regulations at 40 CFR 60.59b(m), (n)(12) and (o)(12); *EG*]

3. Reporting Requirements for Optional Continuous Monitoring and Continuous Automated Sampling – Any person subject to 310 CMR 7.08(2) electing continuous emissions monitoring for particulate matter, mercury, lead, cadmium or hydrogen chloride, or continuous automated sampling for dioxin/furan or mercury, in lieu of manual sampling, shall comply with the applicable notification requirements of 40 CFR 60.59b(m) and reporting requirements 40 CFR 60.59b(n)(12) and 40 CFR 60.59b(o)(12), as last amended May 10, 2006.

* * *

Amend 310 CMR 7.08(2)(j) Emission Control Plan.

[amend 1. as follows; *EG*]

1. General Applicability - Any person subject to 310 CMR 7.08(2) shall submit an emission control plan (ECP) application to the Department on or before **[6 months after promulgation date]**~~90 days from August 21, 1998~~ on a form provided by the Department **to include new or amended applicable requirements in 310 CMR 7.08(2)(f)**. All emission control plan applications are subject to the fee regulations and approval timelines contained in 310 CMR 4.00.

[amend 2. as follows]

2. Emission Control Plan Requirements. The requirements of the emission control plan are contained in the emission control plan application but at a minimum, the ECP shall contain sufficient information (e.g., control efficiency, specifications, standard operating and maintenance procedures) for any control equipment used to comply with 310 CMR 7.08.

[amend 6. as follows; *EG* and *RACT*]

6. Compliance Schedule. The emission control plan shall incorporate a compliance schedule that at a minimum contains the requirements in 310 CMR 7.08(2)(k)~~1~~.

* * *

Amend 310 CMR 7.08(2)(k) Schedule.

[amend as follows; *EG* and *RACT*]

(k) Schedule. Municipal waste combustor unit(s) subject to 310 CMR 7.08(2) shall be in full compliance with the applicable requirements of 310 CMR 7.08(2) **after [date of promulgation]**~~or cease operations by [one year from date of EPA approval of the state plan, or February 21, 2000, whichever is earlier]~~, except:

1. **Nitrogen oxides emission limits are to be complied with by the dates specified in 310 CMR 7.08(2)(f)3.: Table 3, and in no case later than [2 years and 1 day after promulgation date].**

2. If a municipal waste combustor unit(s) cannot comply **with the NOx emission limit in 310 CMR 7.08(2)(f)3.: Table 3**~~in the deadline above~~, the person subject to 310 CMR 7.08(2) **may**

apply in the emission control plan application due under 310 CMR 7.08(2)(j) for a source specific alternative NOx emission limit, not to exceed a 24-hr daily arithmetic average of 185 parts per million by volume, dry basis, corrected to 7% oxygen. Such emission control plan application must evaluate each of the following NOx controls, where it may be applied, and its technological and economic feasibility.

- a. low-NOx burners;
- b. close coupled and separated overfire air;
- c. flue gas recirculation;
- d. burners out of service;
- e. steam/water injection;
- f. dry low-NOx combustors;
- g. ignition timing retard;
- h. separate circuit after-cooling;
- i. fuel emulsification;
- j. fuel switching;
- k. selective noncatalytic reduction (SNCR);
- l. selective catalytic reduction (SCR);
- m. nonselective catalytic reduction (NSCR);
- n. use of emission reduction credits (ERCs) certified by the Department pursuant to 310 CMR 7.00: Appendix B(3), or pursuant to the interstate trading provisions at 310 CMR 7.00: Appendix B(3)(f); and
- o. other innovative technologies available to reduce NOx.

~~shall notify the Department in writing of reasons why the unit(s) cannot comply. Such notification shall include a compliance schedule for each activity described in 310 CMR 7.08(2)(k)1.a.i. through iii.. The compliance schedule for each activity described in 310 CMR 7.08(2)(k)1.a.i. through iii. shall be incorporated into the emission control plan.~~

~~a. The ECP shall include the following dates:~~

- ~~i. Dates of all existing contract awards involving air pollution control systems or for process modifications, and dates for issuance of any additional orders for the purchase of air pollution control equipment. This date shall not exceed August 21, 1999.~~
- ~~ii. Date initiating on-site construction or installation of air pollution control equipment or process modification, as necessary. This date shall not be later than August 21, 2000.~~
- ~~iii. Date of the completion of on-site construction or installation of air pollution control equipment, or process modification will be achieved. This date shall be no later than November 19, 2000.~~

~~b. In no case shall compliance timelines be later than December 19, 2000.~~

~~2. If a municipal waste combustor unit(s) within a large municipal waste combustor plant is to permanently cease operations, it must do so by August 21, 1999. If permanent shutdown of operations is not possible within one year, then the person subject to 310 CMR 7.08(2) shall provide:~~

- ~~a. Justification to the Department six months prior to the compliance date why operation must extend beyond August 21, 199, and~~
- ~~b. The person subject to 310 CMR 7.08(2) shall enter into an Administrative Consent Order with the Department which contains enforceable milestones and commitments towards closure. In no case shall operations extend two years beyond August 21, 1998.~~

~~3. Large municipal waste combustor unit(s) which commenced construction, modification, or reconstruction after June 26, 1987 shall comply with the emission limits for mercury and dioxin/furan as contained in 40 CFR, Subpart Ca of Part 60 by one year following the approval by EPA of the state plan or one year following the promulgation of 40 CFR, Subpart FFF of Part 62, whichever is earlier.~~

PROPOSED AMENDMENTS TO 310 CMR 7.19

Amend 310 CMR 7.19: U Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_x)

Amend 310 CMR 7.19(1) Applicability.

[revise (c) as follows; *RACT*]

(c) The requirements of 310 CMR 7.19 do not apply to:

...

10. Any large municipal waste combustor unit subject to 310 CMR 7.08(2).

Amend 310 CMR 7.19(2) General Provisions.

[revise (b) as follows; *RACT*]

(b) Any person unable to comply with emission standards under 310 CMR 7.19(4), (5), (7), (8) or (9) may submit an application under 310 CMR 7.19(3) for a source specific alternative RACT; said application to be submitted by April 1, 1994 for 310 CMR 7.19(4), and by June 1, 1994 for 310 CMR 7.19(5), (7) or (8) and by ~~May 1, 1999~~**[six months after promulgation date]** for 310 CMR 7.19(9) for Department, and EPA approval. ~~For any person subject to 310 CMR 7.08(2) and is required to submit an Emission Control Plan under 310 CMR 7.08(2), a separate Emission Control Plan to demonstrate compliance with 310 CMR 7.19(9) is not required.~~ On and after May 31, 1995, **or no later than [2 years and 1 day after promulgation date] for compliance with 310 CMR 7.19(9),** a person approved under 310 CMR 7.19(2)(b) must comply with the approved source specific alternative RACT. Such application must evaluate each of the following NO_x controls, where it may be applied, and its technological and economic feasibility.

1. low-NO_x burners;
2. close coupled and separated overfire air;
3. flue gas recirculation;
4. burners out of service;
5. steam/water injection;
6. dry low-NO_x combustors;
7. ignition timing retard;
8. separate circuit after-cooling;
9. fuel emulsification;
10. fuel switching;
11. selective noncatalytic reduction (SNCR);
12. selective catalytic reduction (SCR);
13. nonselective catalytic reduction (NSCR).
14. use of emission reduction credits (ERCs) certified by the Department pursuant to 310 CMR 7.00: Appendix B(3), or pursuant to the interstate trading provisions at 310 CMR 7.00: Appendix B(3)(f).

Any person approved under 310 CMR 7.19(2)(b) must comply with the requirements of 310 CMR 7.19(13), **except as specified in 310 CMR 7.19(9)(b).**

Amend 310 CMR 7.19(3) Emission Control Plans for Implementation of RACT.

[revise (a) as follows; *RACT*]

(a) General Applicability. Any person subject to 310 CMR 7.19(2)(b), (4), (11) or (12) shall submit an emission control plan by April 1, 1994, and any person subject to 310 CMR 7.19(5), (7) or (8) shall

submit an ECP by June 1, 1994 for Department approval prior to implementation of RACT, and any person subject to 310 CMR 7.19(9) shall submit an ECP by ~~[6 months after promulgation date]~~**May 1, 1999** for Department approval **in accordance with 310 CMR 7.19(9)(b).** ~~Any person submitting an Emission Control Plan to satisfy 310 CMR 7.08(2) is not required to submit a separate Emission Control Plan to demonstrate compliance with 310 CMR 7.19.~~ Any person who has received a plan approval under 310 CMR 7.02(1) since January 1, 1990 is exempt from submitting an emission control plan, if that approval requires compliance with 310 CMR 7.19 for the entire facility. A plan application under 310 CMR 7.02(1) is not required in order to implement NOx RACT, except for boilers complying with the repowering provision under 310 CMR 7.19(4)(b). ...

[amend 7.19(9) as follows; RACT]

(9) Small Municipal Waste Combustor Units.

(a) Applicability and NOx RACT. ~~After May 31, 1995,~~ any person owning, leasing, operating or controlling a **small** municipal waste combustor unit **as defined in 310 CMR 7.08(2)** with potential emissions of NOx equal to or greater than 25 tons per year at a facility having potential emissions, before application of air pollution control equipment, greater than or equal to 50 tons per year of NOx shall comply with 310 CMR 7.19(9).

1. Until the dates specified in 310 CMR 7.19(9)(a)2.a. and b., the NOx emission standard for a municipal waste combustor unit subject to 310 CMR 7.19(9) is 0.6 pounds per million Btu, based on a one hour average, while burning municipal waste, except as provided for in 310 CMR 7.19(2)(b), (2)(e) and (2)(f). However, for any municipal waste combustor unit equipped with a continuous emissions monitoring system, the averaging time shall be based on a calendar day average.

2. Beginning on the dates specified in 310 CMR 7.19(9)(a)2.a. and b., the NOx emission standard for a municipal waste combustor unit subject to 310 CMR 7.19(9) is 125 parts per million corrected to seven percent oxygen by volume, based on a calendar day average, while burning municipal waste, except as provided for in 310 CMR 7.19(2)(b), (2)(e) and (2)(f).

a. For any person subject to 310 CMR 7.19(9) not submitting an emission control plan application as specified in 310 CMR 7.19(9)(b), the standard in 310 CMR 7.19(9)(a)1. is in effect until [90 days after promulgation date] and the standard in 310 CMR 7.19(9)(a)2. is in effect beginning [91 days after promulgation date].

b. For any person subject to 310 CMR 7.19(9) submitting an emission control plan application as specified in 310 CMR 7.19(9)(b), the standard in 310 CMR 7.19(9)(a)1. is in effect until one year after issuance of Department approval and the standard in 310 CMR 7.19(9)(a)2. is in effect beginning one year and one day after issuance of Department approval, but no later than [2 years and 1 day after promulgation date].

(b) Testing, Monitoring, Recordkeeping Reporting and Emission Control Plan. Any ~~person~~**facility** subject to 310 CMR 7.19(9) shall **either** comply with any applicable testing, monitoring, recordkeeping, and reporting requirements contained in 310 CMR 7.19(13) **or comply with any applicable testing, monitoring, recordkeeping, and reporting requirements contained in 310 CMR 7.08(2)** and shall submit an emissions control plan as required by 310 CMR 7.19(3) **or submit a notification to the Department no later than [1 month after promulgation date] stating that the facility as currently equipped is in compliance with the requirements of 310 CMR 7.19(9).**

(c) Ammonia. No later than the dates specified in the approval issued by the Department under 310 CMR 7.19(2)(b) or (3)(a), any person subject to 310 CMR 7.19(9) utilizing ammonia or urea for NOx control shall:

1. conduct ammonia optimization testing,

2. submit a report to the Department correlating NOx emissions and ammonia slip, and

3. propose an ammonia emissions limit that the Department will review and may modify before incorporating in the unit's approval.

Proposed Amendments to 310 CMR 7.00 to delete obsolete sections – 12/18/12

Delete 310 CMR 7.27: *NOx Allowance Program*, 310 CMR 7.28: *NOx Allowance Trading Program* and 310 CMR 7.50 *Variances*.

310 CMR 7.00: AIR POLLUTION CONTROL

Section

- 7.00: Statutory Authority; Legend; Preamble; Definitions
- 7.01: General Regulations to Prevent Air Pollution
- 7.02: U Plan Approval and Emission Limitations List
- 7.03: U Plan Approval Application Exemption Construction Requirements
- 7.04: U Fossil Fuel Utilization Facilities
- 7.05: U Fuels All Districts
- 7.06: U Visible Emissions
- 7.07: U Open Burning
- 7.08: U Incinerators
- 7.09: U Dust, Odor, Construction and Demolition
- 7.10: U Noise
- 7.11: U Transportation Media
- 7.12: U Source Registration
- 7.13: U Stack Testing
- 7.14: U Monitoring Devices and Reports
- 7.15: U Asbestos
- 7.16: U Reduction of Single Occupant Commuter Vehicle Use
- 7.17: U Conversions to Coal
- 7.18: U Volatile and Halogenated Organic Compounds
- 7.19: U Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NOx)
- 7.21: Sulfur Dioxide Emissions Limitations
- 7.22: Sulfur Dioxide Emissions Reductions for the Purpose of Reducing Acid Rain
- 7.24: U Organic Material Storage and Distribution
- 7.25: U Best Available Controls for Consumer and Commercial Products
- 7.26: Industry Performance Standards
- ~~7.27: NOx Allowance Program~~
- ~~7.28: NOx Allowance Trading Program~~
- 7.29: Emissions Standards for Power Plants
- 7.30: MB Massport/Logan Airport Parking Freeze
- 7.31: MB City of Boston/East Boston Parking Freeze
- 7.32: Massachusetts Clean Air Interstate Rule (Mass CAIR)
- 7.33: MB City of Boston/South Boston Parking Freeze
- 7.36: U Transit System Improvements
- 7.37: MB High Occupancy Vehicle Lanes
- 7.38: Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District
- 7.40: U Low Emission Vehicle Program
- 7.45: The Massachusetts Green Fleet Program
- ~~7.50: U Variances~~
- 7.51: U Hearings Relative to Orders and Approvals
- 7.52: U Enforcement Provisions
- 7.54: U Large Combustion Emission Units
- 7.60: U Severability
- 7.70: Massachusetts CO2 Budget Trading Program
- 7.71: Reporting of Greenhouse Gas Emissions
- Appendix A: EMISSION OFFSETS AND NONATTAINMENT REVIEW
- Appendix B: U EMISSIONS BANKING, TRADING, AND AVERAGING
- Appendix C: OPERATING PERMIT PROGRAM

Proposed Amendments to 310 CMR 7.00 to delete obsolete sections – 12/18/12

Amend 310 CMR 7.02 U Plan Approval and Emission Limitations (2) Exemptions from Plan Approval. (b) Exemptions.

[revise 32. as follows]

310 CMR 7.02(2)(b)32. RACT, Organic Material Storage and Distribution, ERP, or Mass CAIR. Construction, substantial reconstruction or alteration required to comply with the requirements of 310 CMR 7.18, 7.19, 7.24, 7.26, ~~7.27~~ or 7.328. This exception does not apply to any boiler complying with the repowering provisions of 310 CMR 7.19(4)(b), any printer complying with 310 CMR 7.26(23)(a)3., or any wood fuel-fired boiler.

Amend 310 CMR 7.19 U Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_x) (13) Testing, Monitoring, Recordkeeping, and Reporting Requirements.

[revise (a) as follows]

310 CMR 7.19(13)(a) Applicability. Any person subject to 310 CMR 7.19(2)(b), (4), (5), (7), (8), (9), (10), (11), (12) or (14) shall comply with 310 CMR 7.19(13). If the provisions or requirements from 310 CMR ~~7.327(814)~~ conflict with a provision of 310 CMR 7.19(13), the more stringent of the provisions will apply unless otherwise determined by the Department in the approved emission control plan. For any variance of a requirement under 310 CMR 7.19(13), the variance must be made federally enforceable. A variance from the requirement will be given only where it will not adversely impact the ability to monitor emissions. Regardless of the Department's determination in the emission control plan, any facility that is subject to 40 CFR Parts 60 and 75 must still comply with those requirements.

[revise (b) as follows]

310 CMR 7.19(13)(b) Continuous Emissions Monitoring Systems (CEMS). Any person required to monitor NO_x emissions (i.e., through NO_x concentrations and the associated diluent concentrations) pursuant to 40 CFR 75, ~~310 CMR 7.27~~ or 310 CMR 7.328 shall use the procedures contained either therein or in 310 CMR 7.19(13)(b)1. through (b)12. to gather and analyze data and provide quality assurance and quality control in order to determine compliance with 310 CMR 7.19, except that missing data routines and bias adjustment factors do not need to be applied. The person subject to 40 CFR 75, ~~310 CMR 7.27~~ or 310 CMR 7.328 shall monitor for CO as specified in 310 CMR 7.19(13)(b)1. through (b)12. and use the data reduction procedures contained in either 40 CFR 75 or 310 CMR 7.19(13)(b)9. Any person demonstrating compliance with 310 CMR 7.19 for emission units using CEMS who is not subject to 40 CFR 75, ~~310 CMR 7.27~~ or 310 CMR 7.328 shall:

Amend 310 CMR 7.29 Emissions Standards for Power Plants (4) General Provisions.

[revise (b) as follows]

310 CMR 7.29(4)(b) Any person subject to 310 CMR 7.29 shall comply with all other applicable regulations, including, but not limited to: 310 CMR 7.02: *U Plan Approval and Emission Limitations*; 310 CMR 7.19: *Reasonably Available Control Technology (RACT) for sources of Oxides of Nitrogen (NO_x)*; ~~310 CMR 7.28: *NO_x Allowance Trading Program*~~; 310 CMR 7.32: *Massachusetts Clean Air Interstate Rule (Mass CAIR)*; 310 CMR 7.70 *CO₂ Budget Trading Program*; 310 CMR 7.00: *Appendix A: Emissions Offsets and Nonattainment Review*; and 310 CMR 7.00: *Appendix C: Operating Permit and Compliance Program*. If provisions or requirements from any other regulation or permit conflict with a provision of 310 CMR 7.29, the more stringent of the provisions will apply unless otherwise determined by the Department in the affected facility's operating permit. Regardless of the Department's determination in the operating permit, any person subject to 310 CMR 7.29 shall comply with all applicable federal requirements.

Amend 310 CMR 7.00: *Appendix A Emission Offsets and Nonattainment Review* (2) Definitions.

[revise definitions as follows]

310 CMR 7.00: *Appendix A(2) Actual Emissions* (b) For either an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) or an emissions unit(s) complying with 310 CMR 7.08(2), 7.18, 7.19, 7.24, or 7.~~327~~, actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the Department, on an annual basis for a period of five years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed ten years, may be required by the Department if it determines such period to be more representative of normal source post-change operations.

310 CMR 7.00: *Appendix A(2) Major Modification* (c)8. The addition, replacement or use of a pollution control project at either an existing electric utility steam generating unit or an emissions unit(s) in order to comply with 310 CMR 7.08(2), 7.18, 7.19, 7.24, or 7.~~327~~, unless the Department determines that such addition, replacement, or use renders the unit less environmentally beneficial; or unless

310 CMR 7.00: *Appendix A(2) Pollution Control Project* means any activity or project at either an existing electric utility steam generating unit or at an emissions unit(s) to comply with 310 CMR 7.08(2), 7.18, 7.19, 7.24, or 7.~~327~~ for purposes of reducing emissions from such unit. Such activities or projects are limited to:

310 CMR 7.00: *Appendix A(2) Pollution Control Project* (e) an activity or project to reduce emissions of VOC or NO_x to comply with 310 CMR 7.08(2), 7.18, 7.19, 7.24, or 7.~~327~~.

Amend 310 CMR 7.00: *Appendix B Emission Banking, Trading, And Averaging. (3) Emission Reduction Credit Banking and Trading. (e) Withdrawal, Transfer, and Use of Emission Reduction Credits.*

[revise 14. as follows]

310 CMR 7.00: *Appendix B(3)(e)14. ~~ERCS created by NO_x emissions reductions during the period from May 1 through September 30 in either 1997 or 1998 may be converted to NO_x allowances pursuant to 310 CMR 7.27(9)(d).~~Conversions to Allowances. [Reserved]*

Proposed Amendments to 310 CMR 7.00 to add a definition – 12/18/12

Amend 310 CMR 7.00: Definitions

[add as follows]

National Ambient Air Quality Standards (NAAQS) or Federal Ambient Air Quality Standards means the ambient air quality standards for criteria pollutants adopted by the Administrator pursuant to the Clean Air Act § 109 (42 U.S.C. §7410) and codified at 40 CFR Part 50 as in effect on December 14, 2012.